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Exempt from fees per Gov't code 6103  
To the benefit of the City of San Diego

Attorneys for Defendant City of San Diego

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

TRACY MEANS,

Plaintiff,

v.

CITY OF SAN DIEGO, a municipal corporation  
and a Political Subdivision of the State of  
California, and DOES 1-30, inclusive,

Defendant.

Case No. 08cv0580 WQH (POR)

**DEFENDANT'S NOTICE OF  
AMENDED MOTION AND AMENDED  
MOTION TO DISMISS PLAINTIFF'S  
FIRST AMENDED COMPLAINT  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 12(b), AND IN  
THE ALTERNATIVE, MOTION FOR A  
MORE DEFINITE STATEMENT  
PURSUANT TO FEDERAL RULE OF  
CIVIL PROCEDURE 12(e) AND  
MOTION TO STRIKE PORTIONS OF  
THE COMPLAINT PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 12(f)**

**NO ORAL ARGUMENT UNLESS  
REQUESTED BY COURT**

Judge: Hon. William Q. Hayes  
Courtroom: 4  
Date: May 12, 2008  
Time: 11:00 a.m.

Magistrate: Hon. Louisa S. Porter

**TO PLAINTIFF TRACY MEANS AND HER ATTORNEYS OF RECORD,  
PLEASE TAKE NOTICE:**

On May 12, 2008, at 11:00 a.m., or as soon as the matter may be heard before the  
Honorable William Q. Hayes, in Courtroom 4, located at 940 Front Street, Fourth Floor, San

1 Diego, California, Defendant City of San Diego, through Senior Deputy City Attorney Joe  
2 Cordileone, will move the Court for an Order dismissing the Plaintiff's First Amended  
3 Complaint in the above-captioned action, with prejudice, or as the Court deems appropriate,  
4 and alternatively for an order that Plaintiff provide a more definite statement, pursuant to  
5 Federal Rules of Civil Procedure 12(b) and (e), and for an order that strikes portions of  
6 Plaintiff's First Amended Complaint, pursuant to Federal Rules of Civil Procedure 12(f).  
7 More specifically, Defendant will ask this Court for:

8 1. Dismissal of the First Amended Complaint and each of its counts for failure to  
9 state a claim upon which relief can be granted; and alternatively,

10 2. An order that Plaintiff amend the complaint to make a more definite statement;  
11 and,

12 3. An order striking certain portions of the First Amended Complaint for  
13 containing, redundant, immaterial, impertinent, and scandalous matter.

14 The motion is based upon the accompanying points and authorities, the records on file  
15 herein, the request for judicial notice filed herewith, and such other oral and documentary  
16 matter as may be presented at the time of the hearing.

17  
18 Dated: April 3, 2008

MICHAEL J. AGUIRRE, City Attorney

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20 By /s/ Joe Cordileone  
21 Joe Cordileone  
22 Senior Deputy City Attorney  
23 Attorneys for Defendant City of San Diego  
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